UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1995/SR.3
2 February 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 31 January 1995, at 3.45 p.m.

Chairman: Mr. HITAM (Malaysia)

CONTENTS

Statement by Mr. Lampreia, Minister for Foreign Affairs of Brazil

Question of the violation of human rights in the occupied Arab territories, including Palestine (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.95-10494 (E)

The meeting was called to order at 4 p.m.

STATEMENT BY MR. LAMPREIA, MINISTER FOR FOREIGN AFFAIRS OF BRAZIL

1. Mr. LAMPREIA (Brazil) said that his Government appreciated the steps taken by the High Commissioner for Human Rights during the first year of his mandate to address some of the more serious human rights situations and to open up avenues of cooperation for the prevention of violations and the improvement of respect for human rights. The human and material resources placed at the High Commissioner's disposal should be made commensurate with the importance of his task.

2. He reiterated his Government's commitment to the cause of human rights and expressed its support and recognition for the work accomplished by the Commission since its establishment. The instruments and declarations that it had drafted and adopted were among the finest achievements of the United Nations.

3. While human rights were universal, the course that individual countries followed in creating the conditions for their enjoyment was influenced by historical, cultural and economic circumstances. The role of the international community in drafting standards, verifying their implementation and criticizing violations was therefore closely interlinked with joint efforts to identify and address the deep-seated economic and social problems that were in many cases responsible for massive violations of human rights. Poverty, authoritarianism, corruption, racism and xenophobia were among the main sources of such violations, and not in the developing countries alone.

4. Respect for international law, including humanitarian law, was an essential prerequisite for the just and peaceful solution of disputes and conflicts. He regretted the fact that political confrontation and a certain loss of momentum were hindering the effective implementation of the Programme of Action adopted at the World Conference on Human Rights and undermining the less politicized and more constructive approach that had been developed on that occasion.

5. While his Government welcomed the higher priority given to technical assistance and advisory services in the activities of the Centre for Human Rights, it felt that the resources allocated to those activities were inadequate. It had called for the establishment of a comprehensive programme to support national institutions and structures engaged in upholding and strengthening the rule of law. His delegation had been a sponsor of resolution 49/194, adopted by the General Assembly at its forty-ninth session, which requested the Secretary-General to explore the possibilities of obtaining from all relevant institutions of the United Nations, including financial institutions, technical and financial assistance for that purpose.

6. The Vienna Declaration stated that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing elements. That triad of basic principles was fully understood and cherished by his people and Government.

7. The Brazilian constitutional order enshrined human rights and provided for cooperation among the organs of State to ensure the consolidation of democratic institutions and the accountability of office-holders. It was essential, however, that the exercise of political freedom should be reflected in better living conditions for individual Brazilians. The resumption of stable economic growth in Brazil opened the door to long-term sustainable development and far-reaching social reforms.

8. The third element of the triad - respect for human rights - was at the top of his Government's list of priorities, since it engaged the whole of society - public bodies, non-governmental organizations, trade unions and the churches - in a collective struggle to eradicate hunger, disease, ignorance, discrimination and violence. Fiscal and social reform was being promoted on behalf of the more vulnerable groups. A process of dialogue was under way with national and international non-governmental organizations, whose criticism, complaints and suggestions were welcome, provided that they were made in a spirit of impartiality and that credit was given where progress had been achieved.

9. Although there had been some major breakthroughs in the international human rights agenda, his Government viewed with great concern the persistence of serious conflicts and massive violations of human rights, particularly in Rwanda and the former Yugoslavia. Religious intolerance and fanaticism, ethnic hatred and repression of minorities tended to create a vicious circle of oppression and violence. It would take patient and persistent work by the international community, represented in particular by the Commission and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, to reverse that trend.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (item 4 of the provisional agenda) (continued) (E/CN.4/1995/3, E/CN.4/1995/8-E/CN.4/Sub.2/1994/43, E/CN.4/1995/13, 14, and 19-22)

10. Mr. HASSAN (Sudan) said that the twenty-sixth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/49/511) and the report of the Special Rapporteur, pursuant to Commission resolution 1993/2 A (E/CN.4/1995/19) graphically depicted the tragic lot of all those living under Israeli occupation. The world media carried equally convincing evidence of Israeli violations of human rights every day of the year.

11. In the occupied Palestinian territory, for example, the killing continued, thousands were detained without trial, settlements were being established and expanded, land and property were confiscated and homes were destroyed. In the Golan Heights, Israel was trying to change the natural characteristics and demographic composition of the region and its inhabitants. Israeli citizenship was being imposed, the Arab inhabitants were required to carry Israeli identity cards, water was being diverted and educational policies served the aims of the occupation. Israel continued to attack

southern Lebanon and the western Bekaa, inflicting civilian casualties, destroying homes and public utilities and using prohibited weapons such as fragmentation bombs.

12. Such practices violated the Geneva Convention relative to the Protection of Civilian Persons in Time of War - the Fourth Geneva Convention, the principles of international and humanitarian law and many resolutions of the Security Council, the General Assembly and the Commission on Human Rights. They clearly demonstrated Israel's stubborn refusal to comply with the demands of the international community. Moreover, Israel obstructed the work of the International Committee of the Red Cross and of other humanitarian organizations.

13. The peace process in the Middle East was to be welcomed if it led to a just and comprehensive peace, an Israeli withdrawal from all illegally occupied territory and recognition of the right of the Palestinian people to self-determination and to establish an independent State with its capital in Jerusalem. The international community and the Commission in particular would have to put pressure on Israel to respect human rights, to release prisoners, to halt the expansion of settlements and the confiscation of property and to return deportees to their homes.

14. Mr. SIRAJ (Malaysia) said that it was the strong belief of his people and Government that any solution to the Arab-Israeli conflict would have to provide for the exercise of the inalienable right of the Palestinian people to self-determination and to a homeland.

15. There had been considerable euphoria at the Commission's previous session, following the bold and historic step taken by Mr. Arafat and Mr. Rabin in signing the Declaration of Principles and the Agreement on Gaza and Jericho, but that euphoria was giving way to uncertainty and despair. His delegation was deeply concerned at the various acts of violence perpetrated in the occupied territories, which had led to many civilian casualties.

16. The repressive measures employed by the Israeli authorities were unacceptable by any norms of human behaviour, and the policy of collective punishment of Arabs in the occupied territories would have to be stopped. The commercial restrictions imposed on Hebron after the massacre in the Ibrahimi Mosque should be lifted and the Palestinians allowed to return to their traditional place of worship. His delegation was deeply concerned that provocative action by the Israeli settlers and authorities could eventually lead to the "Israelization" of Hebron. It was also disturbed to note that the confiscation of Palestinian land continued unabated.

17. The enormity of the human rights violations by the Israeli occupation authorities and the fact that they had continued for so long to disregard the whole range of human rights instruments undermined the international community's credibility and its commitment to the promotion and protection of human rights. It was therefore imperative, if the peace process were to be sustained, that all the provisions of the Declaration of Principles and of the Agreement must be fully complied with and without delay. His delegation advised restraint on all sides so that the peace process would be given a

chance to succeed. Its prospects would also be enhanced by a tangible improvement in basic amenities, health, education and employment opportunities for the people of the region and Israel should refrain from imposing hardship on the Palestinians by sealing the border.

18. His Government would continue to give whatever assistance it could to the Palestinians in their quest for self-determination and the establishment of an independent State. It was to be hoped that the ongoing negotiations would lay the foundations for a comprehensive, just and lasting solution to the Arab-Israeli conflict and build the mutual confidence that would ultimately lead to such a solution within the framework of the relevant Security Council resolutions, in particular resolutions 242 (1967) and 338 (1973).

19. In the meantime, Malaysia would fully support any initiative by the Palestine Liberation Organization aimed at securing full enjoyment of the rights of the Palestinian people and the return of the occupied territories, including Al-Quds al-Sharif (Jerusalem).

20. Mr. VITTORI (Pax Christi International), having praised the Special Rapporteur for his courage and for the objectivity of the conclusions in his report (E/CN.4/1995/19), said that he had exposed the cruel and degrading treatment meted out to Palestinian prisoners and the abominable methods used to extract confessions from them. Such behaviour was incomprehensible to those who remembered the sufferings that the Jewish people had undergone in the name of an ideology of racial superiority.

21. The Special Rapporteur had not restricted his observations to the plight of prisoners. He had noted the provocations directed against civilian Palestinians, such as that in Hebron, where a powerful military control system protected the mere 40 to 50 settlers in the centre of the city, giving rise to a feeling that an "Israelization" of the city was being fostered. Another example had been the abominable treatment of a suspect's family in Ramallah on 19 October 1994. Such incidents inevitably sparked off reprisals, which were - quite correctly - labelled terrorism. However, the police and military were also guilty of terrorism.

22. Collective measures taken against innocent civilians were, in a way, long-drawn-out death sentences, and certainly undermined the peace process. According to the report, 20,000 Palestinians from the Gaza Strip working in Israel had lost their jobs overnight. The unemployment rate in the area was 60 per cent. At the time of the Oslo accord, some 100,000 Palestinians had commuted to work in Israel every day, according to the International Labour Organisation, but living conditions had since deteriorated disastrously. It was a welcome fact, however, that most of the people visited by the Special Rapporteur favoured peace.

23. Lastly, his organization was concerned that the Special Rapporteur should have proposed to do away with his own services and those of any special rapporteur at all in the occupied territories. The logic of the proposal was undeniable, but it was to be hoped that he would suspend his decision and carry out another mission that would ideally reveal a significant improvement in the living conditions of the Palestinian people.

24. Mr. ZAHRAN (Egypt) said that the historic changes of recent years had produced a radical alteration in international relations. The signs of respect for self-determination were positive and gave rise to optimism. It was hard, however, to achieve the solution for all ills; the peoples of the Middle East had suffered greatly, yet the international community had been unable to find an answer to their problems. Recalling that relations between Egypt and Israel had been normalized and occupied territories returned as far back as October 1989, he noted the latest developments that affected Palestine in particular, but also the relations between Israel and Jordan.

25. He expressed the hope that negotiations were proceeding in the right direction and would lead to improvements in the occupied territories, the Gaza Strip and the Golan. He hoped also that it would be possible in the near future to overcome the obstacles to implementing the peace agreement between Palestine and Israel on the basis of the relevant Security Council resolutions, particularly 242 (1967) and 338 (1973). The establishment or enlargement of settlements, however, had to cease: they violated the rights of the Palestinian people and were not conducive to the peace process.

26. The success of the peace agreement depended on making it possible for the Palestinian people to exercise its right of self-determination in the occupied territories and on eliminating human rights violations. Confidence-building measures would also strengthen the peace process and contribute to transparency. He thus expressed his appreciation of the Special Rapporteur's report (E/CN.4/1995/19), which stressed the importance of human rights and the need to put an end to the Israeli occupation of Arab territories, in accordance with Commission resolution 1993/2 A. He was confident that recent developments would, despite the obstacles that existed, tend to the attainment of a just solution to all outstanding problems in the Middle East, including the relations between Israel and Syria and between Israel and Lebanon. His Government would do its utmost to help all the parties concerned to achieve a just and comprehensive settlement.

The meeting rose at 5 p.m.